

**From:** Ted Kim  
**To:** Microsoft ATR  
**Date:** 12/14/01 5:50pm  
**Subject:** Public Comment RE: US vs. Microsoft

As a longtime computer user, I find that the proposed settlement regarding the Microsoft Anti-Trust case to be inequitable and not in the best public interest. The proposed settlement does nothing to punish or curtail Microsoft's monopolistic business practices. In my humble opinion, the proposed settlement allows Microsoft to further its monopolistic business practices with no competition and with the Court's blessing. Gladly I observe that the Court has not gone blindly down that primrose path and is hearing other players in the industry to gather their opinions before acceptance of the proposal.

The Court is now determining the penalty to Microsoft for violating the Sherman Anti-Trust Act. Microsoft has been found to be illegally maintaining a monopoly of the operating systems market. Any penalties handed down to Microsoft should include, but not be limited to the following in my opinion.

1. Microsoft operating system software should be billed, listed as, and invoiced to the consumer as a separate option on any computer purchases. This allows  
for the consumer the choice of not buying Microsoft's operating system and using another competing product. This also negates the argument from retailers  
that "the computer will not run without Windows!" There are alternatives to Microsoft's operating system. This allows those consumers, that choose not to use  
Microsoft product, not be punished for taking advantage of choices that are in the marketplace.
2. Specifications for past, present and future file formats must be publicly published by Microsoft. This is to ensure that third party vendors and programmers  
may design and make software to work with Microsoft product, not only on Windows, but on other operating systems.
3. Although already proposed, there should be more firm standard to be adhered to in regards to the public publishing of Application Programming Interfaces or  
API's. They should be fully disclosed and not partially disclosed and key important pieces not published as has happened in the past. A neutral panel or a  
neutral third party should be placed in charge of oversight.
4. Specifications for past, present and future network protocols should also be published and approved by a neutral third party. This is to ensure that Microsoft  
does not extend its monopoly to the Internet and become the de-facto standard.

I thank the Court for hearing my opinion, and hopefully my opinions and the opinions of others will help you in this monumental decision.

Respectfully,

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"Difficulties exist to be surmounted." - Ralph Waldo Emerson